

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARBARA BALLARD,

Plaintiff,

-vs-

Case No. 14-C-1461

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Barbara Ballard (“Ballard”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 3) on her appeal from the denial of her application for social security disability insurance benefits. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her petition and affidavit to proceed IFP, Ballard avers that she is married and her spouse is employed. Monthly, Ballard receives \$180 in public assistance, and her spouse’s take-home pay is \$900. Ballard owns a 2007

Dodge Grand Caravan worth \$6,000 and 2001 Saturn that is not running and has no value. Ballard has \$20 in a checking or savings account.

Ballard's monthly expenses are double her monthly total income. She receives assistance paying the bills from her daughter, who has moved in, and Ballard's son pays her cell phone bill.

Based on the information provided, Ballard has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the \$350 filing fee for this action. Furthermore, Ballard's Complaint states arguable claims for relief. Accordingly, Ballard's petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Ballard's petition for leave to proceed IFP (ECF No. 3) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 21st day of November, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge